

Pro Se General Complaint for a Civil Case (Rev. 10/16)

FILED

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United States District Court
NORTHERN DISTRICT OF ALABAMAU.S. DISTRICT COURT
N.D. OF ALABAMAMichael Dion Milton

Plaintiff

(Write your full name. No more than one plaintiff may be named in a pro se complaint)

-v-

Case No. 5:20-CV-97-LCB
(to be filled in by the Clerk's Office)JURY TRIAL ☐ Yes ☐ NoAgent P. Schmitt 14721Huntsville Police department

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all defendants cannot fit in the space above or on page 2, please write "see attached" in the space and attach an additional page with the full list of names)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff

Name: Michael Dion MiltonStreet Address: 3612 Hester Ln Hsv AL 35810City and County: Huntsville, madisonState and Zip Code: AL 35810Telephone Number: 256-323-0484

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization or a corporation. If you are suing an individual in his/her official capacity, include the person's job or title. Attach additional pages if needed.

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Defendant No. 1

Name
Job or Title
Street Address
City and County
State and Zip Code

Huntsville Police Department Agt
Police Officers
715 Wheeler Ave
Huntsville, madison
Alabama 35810

Defendant No. 2

Name
Job or Title
Street Address
City and County
State and Zip Code

Agent P. Schmitt 14721
Stac team
715 Wheeler Ave
Huntsville, madison
Alabama 35810

Defendant No. 3

Name
Job or Title
Street Address
City and County
State and Zip Code

Defendant No. 4

Name
Job or Title
Street Address
City and County
State and Zip Code

Defendant No. 5

Name
Job or Title
Street Address
City and County
State and Zip Code

Pro Se General Complaint for a Civil Case (Rev. 10/16)**II. Basis for Jurisdiction**

Federal courts are court of limited jurisdiction (limited power). Generally, only these types of cases can be heard in federal court: a dispute that involves a right in the United States Constitution or a federal law (as opposed to a state law or local ordinance); a dispute that involves the United States of America (or any of its agencies, officers or employees in their official capacities) as a party; and a dispute between citizens of different states with an amount in controversy that is more than \$75,000.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Constitutional or Federal Question ☐ USA Defendant ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction is USA defendant

The Defendant(s) _____

Name of Agency _____

Address _____

B. If the Basis for Jurisdiction is a Constitutional or Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Section 1983 of the Civil Rights Act of 1871

C. If the Basis for Jurisdiction is Diversity of Citizenship**1. The Plaintiff**

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. Or is a citizen of *(foreign nation)* _____.

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- b. If the defendant is a corporation
 The defendant, (name) _____, is incorporated
 under the laws of the State of (name) _____, and has its
 principal place of business in the State of (name) _____.
 Or is incorporated under the laws of (foreign nation) _____,
 and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy – the amount the plaintiff claims the defendant owes or the amount at state – is more than \$75,000, not counting interest and costs of court, because (explain)

III. Statement of Claim

Write a short and plain statement of the claim. Briefly state the facts showing that the plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Complaint is attached

IV. Relief

State Briefly and precisely what damages or other relief the plaintiff asks for the court to order. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive (punishment) or exemplary (warning or deterrent) damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Officer P Schmitt swore under oath that he found 9.6 grams of cocaine and obtained a false warrant for this matter. Schmitt also changed my charges from Possession to distribution, because of this matter I have had depression and anxiety for the last two years. I am asking for 1.5 million dollars.

Pro Se General Complaint for a Civil Case (Rev. 10/16)**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a non-frivolous argument for extending, modifying or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in dismissal of my case.

First Name Michael Last Name Milton
 Mailing Address 3612 Hester Ln
 City and State Huntsville AL Zip Code 35810
 Telephone Number 256-333-4402 - 256-323-1732
 E-mail Address _____

Signature of plaintiff _____
 Date signed 1/16/2020

****OPTIONAL****

You may request to receive electronic notifications. You may not file documents or communicate with the Court electronically. All documents must be submitted in paper and you must serve the defendants.

Type of personal computer and related software/equipment required:

- Personal computer running a standard platform such as Windows or Mac OSX
 - Internet access (high speed is recommended)
 - A Web browser (Microsoft Internet Explorer 7.0 or 6.0 or Mozilla Firefox 2 or 1.5)
 - Adobe Acrobat Reader is needed for viewing e-filed documents
 - PACER account – Information and registration at www.pacer.gov.
 - You will receive one “free” look of the document. Documents must be viewed within 14 days.
- You must only single-click on the hyperlink to view.

Note: You must promptly notice the Clerk's Office, in writing if there is a change in your designated e-mail address. Failure to update your email address does not excuse failures to appear or timely respond.

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E-mail type:

- ☐ HTML – Recommended for most e-mail clients
☐ Plain Text – Recommended for e-mail accounts unable to process HTML e-mail

Conditioned upon the sufficiency of your electronic equipment which the Court will test and verify receipt, you will be allowed to receive electronic notifications.

Submitting this request the undersigned consents to electronic service and waives the right to personal service and service by first class mail pursuant to Federal Rule of Civil Procedure 5 (b)(2), except with regard to service of a summons and complaint.

When a filing is entered on the case docket, a party who is registered for electronic noticing will receive a Notice of Electronic Filing in his/her designated e-mail account. The Notice will allow one free look at the document, and any attached .pdf may be printed or saved.

IMPORTANT:

Messages sent to Yahoo or AOL accounts are frequently found in the spam folder until the court is added to your address book.

E-mail address designated for noticing:

Participant signature: _____

Date: _____